

In The United States District Court For Southern District of New York

Annamarie Trombetta,

Plaintiff,

vs.

Civil Action No. 18-cv-0993-RA-HBP

Norb Novocin, Marie Novocin,
Estate Auctions Inc.

and

WorthPoint Corporation

Defendants

PLAINTIFF'S REPLY TO WORHTPOINT DEFENDANT'S RESPONSES ECF 479

**PLAINTIFF'S RESPONSES RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL
FACTS IN SUPPORT OF PLAINTIFF, ARTIST ANNAMARIE
TROMBETTA'S MOTION FOR SUMMARY JUDGMENT**

DUE TO PRINTER MALFUNCTIONS ON APRIL 17, 2023, PLAINTIFF INADVERTENTLY FILED MY ROUGH DRAFT RULE 56.1 STATEMENTS OF FACTS. THIS FILE WAS NOT INTENDED TO BE FILED WITH THE COURT - SEE PAGE 27—PLAINTIFF FILED THE CORRECT VERSION ON JUNE 29, 2023

**PLAINTIFF’S REPLY TO WORTHPOINT CORPORATION’S RESPONSES TO
PLAINTIFF’S RULE 56.1 STATEMENT MATERIAL FACTS**

Pursuant to Rule 56.1(b) of the Local Rules of the United States Courts for Southern Districts of New York, Plaintiff’s Reply to ECF 479, Defendant WorthPoint Corporation’s (“WorthPoint”) responses are as follows to each statement, numbered 1 through 18.

Plaintiff’s Rule 56.1 Statement of Undisputed Material Facts Are In Support of Plaintiff, Motion for Summary Judgment in the above- captioned action. PLEASE NOTE the **A B C** format. Below in **BOLD** type is the Plaintiff’s Statement Underlined and Listed with the Letter **“A”** WorthPoints’ Response in **BOLD** type is below Plaintiff’s statement listed next to letter **“B”** Plaintiff’s June 29, 2023 Reply is in **REGULAR** type listed next to letter **“C”**

A Plaintiff’s Statement #1

Artist Annamarie Trombetta known professionally as a **realist artist** created a self authored biography for the artist’s personal catalog and artist website in 2003, New York City. The self authored personal biography which contained irrefutable, personal, (“Subject Infringed Self Authored Biography”), self identifying information to artist Annamarie Trombetta as the one and only true author of the artist’s personal life experiences (birthplace) travels, education and professional colleagues and friends.

B WorthPoint’s Response: WorthPoint lacks sufficient information to form a belief as to the truth of this compound statement. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff’s June 29, 2023 Reply to WorthPoint’s Response.

#1 Plaintiff brings to the Court’s attention, WorthPoint has issued a boilerplate response

demonstrating a reckless disregard and lack of care, without reviewing Plaintiff's evidence which Defendants demanded Plaintiff produce during discovery. WorthPoint's response is yet another example that PROVES Defendants and their attorneys are willfully **IGNORING** all Plaintiff's evidence, set forth as a result of Defendants numerous discovery demands from Plaintiff. In Statement of Material Facts No.1, Plaintiff specifically noted and referred to myself as a **"realist artist"** which is based on Plaintiff's evidence in document **EXHIBIT #2 Pl.Evid 000382 Pl. Evid 000383 ,000384 and 000389**, the 2003 Re-Presenting Representation VI Exhibit at the Arnot Art Museum in Elmira New York. The title of this exhibit (Representation) featured realist artists throughout the country. The image in Plaintiff's catalog in Pl. Evidence 000099 was the artwork in the 2003 at the Re-Presenting Representation VI Exhibit at the Arnot Art Museum in Elmira, New York.

Another notation Plaintiff as a realist artist is Plaintiff Brochure from the Staten Island Institute of Arts and Sciences (Staten Island Museum) representing my 2004 Solo Exhibition. Plaintiff also notes my Catalog which has my self authored biography with my **COPYRIGHT INFRINGED TEXT**, that was unethically used by both Defendants. was sold at the Staten Island Museum Gift show during my and long after my 2004 Solo exhibition. Plaintiff catalog and copyright biography was "for profit" and proves Plaintiff monetizes my copyrighted biography. Defendant unethical and incorrect usage infringed and impinged upon Plaintiff profits and rights of reproduction. Plaintiff's catalog and exhibition brochure is in **EXHIBIT #3A Pl. Evid 000108, 000109, 000110, 000111, 000112 and 000113**. In the brochure on **Pl. Evid. 000109**, there is a direct statement by Bartholomew Bland, Senior Vice President for Collections and Exhibition. Mr Bland wrote *"For this second installation*

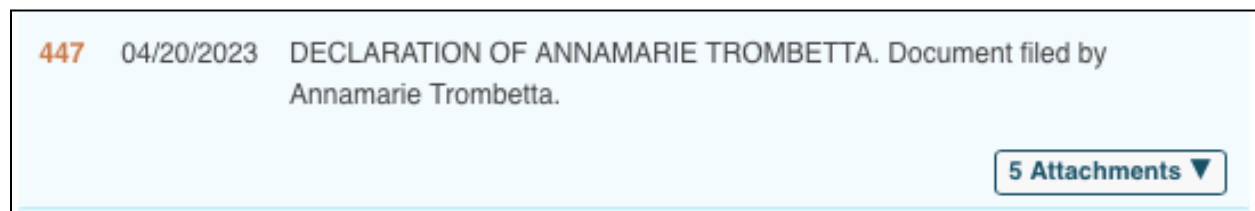
in the Staten Island Institute's Artist's series, the Institute is pleased to present the work of Annamarie Trombetta, **a realist painter** working in the traditional academic style, This is a quote from Pl.'s Evid. **000109 in EXHIBIT #3 B DETAIL** which clearly Defendants did not read. Unsurprisingly, Defendant Norb Novocin admitted he did not read my biography that he used. Plaintiff has annexed a photo from my 2003 solo Exhibit at the Dana Center in Central Park with former Park's Commissioner Henry Stern who attended my opening. **EXHIBIT #4 Pl. Evid 000254.** Plaintiff produced my catalog that was sold at my 2003 solo exhibit at the Dana Center in Central Park New York and my 2004 solo exhibit at Staten Island Institute of Arts and Sciences (Staten Island Museum) See Pl.Evid 000085, 000086, 000087, 000088, 000089, 000090, 000091, 000092, 000093, 000094, 000095, 000096, 000097, 000098, 000099, 000100, 000101, 000102, 000103, 000104, 000105, 000106 and 000107-24 pages. **EXHIBIT #5** (Plaintiff catalog with Biography and COPYRIGHT INFRINGEMENT TEXT). Plaintiff's discovery has one of my biography listing from "2016 Who's Who in American Art" which lists my exhibitions to specifically include my involvement in the ***Contemporary Realism Exhibits*** at the Fort Wayne Museum in 2008, 2010 and also in 2012 in Pl. Evid. 000235 and 000236 **EXHIBIT #6.** This does not include the nine documents from Plaintiff's website and Plaintiff's photos with The His Holiness the Dalai Lama, Pl. Evid , 000257 **EXHIBIT #7,** Plaintiff with Mayor Bloomberg in Pl. Evid.302 **EXHIBIT #8.** Plaintiff with Mayor Guiliani Pl. Evid. 304 **EXHIBIT #9.** Despite producing all this evidence Defendant wrote "WorthPoint lacks sufficient information to form a belief as to the truth of this compound statement." Defendant defiantly denied reviewing over forty self evident

documents which exemplifies WorthPoint sufficient lack of “INTEGRITY “ and failure to acknowledge factual evidence and to write truthful statements.

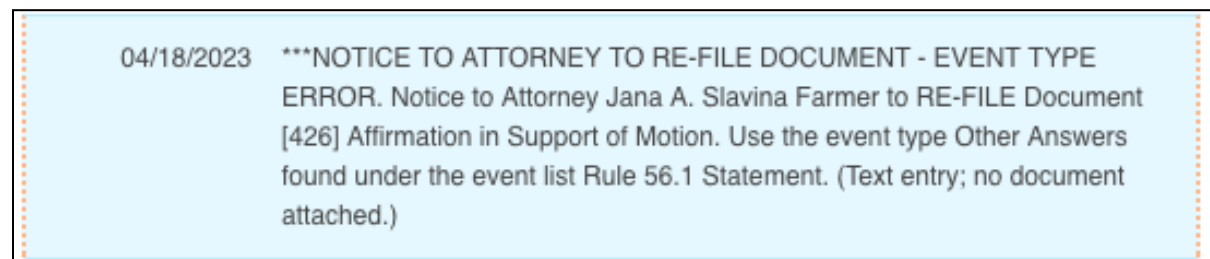
C Plaintiff’s June 29, 2023 Reply to WorthPoint’s Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff’s notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff’s Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents.

EXHIBIT #1 Plaintiff’s email proof of sent Declaration with Exhibits.



Plaintiff notes attorney Jana Farmer was notified by the Court to refile her document on 04/07/2023 and on 04/18/2023. SEE BELOW.



A Plaintiff's Statement #2

Plaintiff/artist Annamarie Trombetta created the subject's Personal Biography as an original work of art and registered her Biography and Plaintiff's Personal Artist's website with the Copyright Office, receiving an approved registration numbered TZ-8-655-807. At all relevant times, Plaintiff Annamarie Trombetta owned all copyrights and had a copyright sign and notice on her artist's website since 2003 which states "All work on this site are © Annamarie Trombetta. All rights reserved."

B WorthPoint's Response:

Disputed. WorthPoint lacks sufficient information to form a belief as to the truth of this compound statement in the form alleged. Plaintiff did not register the copyright in her biography until 2018 (ECF #447-2, Page 15), after the events complained of herein took place. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#2 Plaintiff brings to the Court's attention Plaintiff evidence submitted to Defendants in discovery to include the photo from Plaintiff's draft notes in Plaintiff's sketchbook in Pl. Evid. Pages of Plaintiff's rough draft from my sketchbook in **EXHIBIT #10**. In addition, in 2003 Plaintiff read an early draft of Plaintiff's self authored biography to Friend and Colleague Vanessa Ploski which is documented in a Letter by **Vanessa Ploski in Pl. Evid.000228 EXHIBIT #11**. Defendant's deposed Vanessa Ploski who testified under oath. On page 22, Ms. Ploski confirmed that Plaintiff never signed my name Anna Maria Trombetta. This is because my name is Annamarie, all one word, and ends in the letter "E". Ms. Vanessa Ploski gave testimony that I read my biography to her on a visit to her home in 2003. Ms. Ploski testified at some point she has read my biography on my website noted on pages 32 to 36 of Ms. Ploski's deposition. Plaintiff also notes to the Court, during Vanessa Ploski's deposition Ms. Ploski was asked by Defendants attorneys how Plaintiff signs my artwork. Plaintiff specifically requested WorthPoint's attorneys **NOT** to file or make public Plaintiff way of

signing my work. Despite my documented request on pages 18 thru to 22, Plaintiff notes to the Court, Defendants attorneys have completely ignored my request on April 17, 2023 Defendants publicly filed Ms. Ploski deposition and this information NOT redacted with the Court. **EXHIBIT #13 Plaintiff REQUEST NOT TO MAKE SIGNATURE information made public during deposition of Vanessa Ploski.** It is this type of exemplary behavior by WorthPoint and their attorneys, to disregard Plaintiff rights and requests that have prompted Plaintiff to request Declaratory and Permanent Injunctive Relief from the Court.

Plaintiff owns a **US Copyright Registration No.TX 8-655-807 EXHIBIT #14 Pl.Evid. 000118.** Plaintiff's notes it is the Court's discretion to decide regarding copyright infringements. I have set forth copyright cases such as Civ.00089 SDNY McGlynn vs Tower Investors, Com Inc and Psihoyos vs John Wiley & Sons Inc.748 F.3d 120,125 (2d Cir. where copyright registration was obtained after the copyright infringement occurred and the lawsuit was filed For example In the case of McGlynn vs Tower in 2015, Towers ... ran an article on its Website which featured the photograph, by McGlynn without the gutter credit. Two year after Towers published the article with the photograph, McGlynn registered the photograph "with the United States Copyright Office and was given registration Copyright Registration number. The copyright registration has an effective date of March 6, 2017. In like fashion Psihoyos had not even filed the *applications* for registration of he relevant works prior to instituting the action claiming infringement of the copyright in his works, as required. The jury found that Wiley had willfully infringed Psihoyos's copyright in the Triceratops and Oviraptor photos and awarded Psihoyos \$100,000 and \$30,000, respectively. In my case, Plaintiff's biography is my self written original life story and only applicable to my artwork.

Copyright law protects an authors' exclusive rights to their own works, the cornerstone of the copyright and VARA laws which specifies that work protected must be original which is the case in Plaintiff's unique self authored personal biography.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1**

Plaintiff's email proof of sent Declaration with Exhibits.

A Plaintiff's Statement #3

Defendants Estate Auctions Inc and Norb and Marie Novocin the latter two of which own or owned EAI and will be referred to as the "Individual Defendants" herein, copied and exploited Annamarie Trombetta's personal, self authored original biography in advertising and marketing materials on eBay Auctions accounts without the knowledge or consent of Plaintiff and without Plaintiff's Copyright identifying notice "All work on this site are © Annamarie Trombetta. All rights reserved." Plaintiff as the author and owner of the Subject Plaintiff's Copyrighted Personal Biography The copyright infringement was used for commercial and financial gain and to sell a damaged oil painting dated 1972. The unauthorized infringement was use to falsely attribute Plaintiff/Artist Annamarie Trombetta as the artist that created/painting the large oil painting which was torn and sold for \$181.50 which depreciates Plaintiff's current market value.

B WorthPoint's Response:

Disputed to the extent that this compound statement implies that plaintiff's biography was used for commercial or financial gain by WorthPoint; or that WorthPoint used plaintiff's biography to sell any painting. Plaintiff has also failed to demonstrate that any of the events described in this paragraph caused her market value to depreciate. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement. WorthPoint otherwise takes no position with respect to the statements in this paragraph that pertain to co-defendants.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#3 WorthPoint Defendants are i a for profit corporation. Defendant Norb Novocin is a paid subscriber to WorthPoint. The fee is **\$19.99 per month. Annexed is Mr. Novocin's WorthPoint Membership Monthly charges in Exhibit #15** . These charges prove WorthPoint Corp has financial gains and is a commercial business.

Plaintiff has NEVER failed to produce evidence to prove the direct causal damage due to the false 1972 internet post on WorthPoint's website. Plaintiff produced a letter by Susan B. Goldstein explicitly documenting the suspicious false assertions in the 1972 low quality oil painting which had the actual text of Plaintiff's biography, thus created a false and ridiculous claim distributed publicly and poisoning all my prospects. The letter of Susan Goldstein explained why the loss of my sale for Plaintiff's oil painting "Wisteria Arbor Mandala is in Pl. Evid. 000073 was linked to the online false 1972 post. Some quotes by Ms. Goldstein's " *I encouraged Annamarie to try and have this horrible and dreadful listing removed from the internet at once. My aunt's assistant did point out that the description on theWorthPoint Internet site reference the artist Annamarie Trombetta's website. Losing the sale of eighty five hundred dollars is quite a disappointment alas my aunt has quite a collection of art and to not be included in her collection is an even greater misfortune.*" See **EXHIBIT #16A**

Susan Goldstein Jan. 2015 email price of Wisteria Arbor painting #16B Letter from

Susan Goldstein lost sale of Wisteria painting.

Plaintiff produced a letter by Scott Goodwillie who also is a fact witness and gave testimony about his involvement with introducing my artwork to gallery owners who had interest in meeting Plaintiff and possible representation at their galleries. **In Pl.Evid. 000074 EXHIBIT #17 Mr. Goodwillie** wrote “ *in the summer of 2015, I presented photos of Ms. Trombetta's artwork to some of my contacts.....In late August, upon scheduling a personal introduction, one of the gallerists found the eBay listing under Annamarie Trombetta's name and the owner of the gallery was no longer interested....I encouraged Ms. Trombetta to get the link removed from the internet as soon as possible and I am outraged that she had such a difficult time to remove the fake signature that was photo featured and referenced next to her biography. This ordeal has greatly affected Ms.Trombetta's income and reputation—for what it's truly “worth”.*

Plaintiff submitted into evidence **EXHIBIT #18 a letter from the Director of the Italian American Museum from Dr. Joseph V. Scelsa** and his quote “ *I have been informed that someone has attempted to use her name on works not of her creation. This in no way should be seen as a reflection on her works but unfortunately it could devalue them. I sincerely hope her name can be removed from any works not created by her. If not it may jeopardize our ability to show her work in the future.*”

Plaintiff submitted a **letter from Alex Raspa in EXHIBIT # 19 Plaintiff Evid. 000076** who found the false 1972 post on WorthPoint's website listed under the Plaintiff's name. Mr. Raspa wrote “ *I realized that Man with Red Umbrella” could not possibly be hers, as she was only a little kid then. Finally, the artist's signature shown was "A. Trombetta," which I knew was not the way Annamarie signed her paintings. I of course got in touch with her right away*

and let her know that what I saw on that website was evidently fraudulent, It was clearly going to affect her ability to sell her paintings and make a living”

Plaintiff produced also my sales receipts from 2015 **EXHIBIT# 20 Pl.Evid. 000077-78 January 27, 2015** sale, **EXHIBIT #21 Pl.Evid. 000079-80 March 6, 2015** sale **EXHIBIT #22 Pl.Evid. 000081-82 March 8, 2015 EXHIBIT #23 and Pl.Evid. 000083-84** Pl. Sales Receipt August and September 2015 for a painting which was the last sale made in 2015.

Once Plaintiff found the false 1972 oil painting post for Man With Red Umbrella under Plaintiff's name on the internet, Plaintiff was unable to sell artwork in 2015 and lost my sale of Wisteria Arbor Mandala for eight five hundred dollar sale as noted in **EX16**.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #4

A Defendant EAI Norb and Marie Novocin first exploited the Plaintiff Personal Biography as part of an online display and alleged sale on eBay of an oil painting in 2012. Plaintiff and her colleagues found the eBay ad in August 2015. One month earlier, for the first time Plaintiff signed into eBay's website, on or around July 2015. A few weeks after Plaintiff signed onto eBay's website, listed under my name was a false 1972, incorrect attribution with my self authored biography that was truncated and preceded with Estate Auctions Inc.,'s company description . Plaintiff's biography was altered mid sentence with three dots added inferring the sentence and biography continued. Plaintiff's CMI from my website was removed.

B WorthPoint's Response:

WorthPoint lacks sufficient information to form a belief as to the truth of this compound statement as it pertains to the actions by Plaintiff and co-defendants. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement. To the extent that Plaintiff claims Plaintiff's CMI from her website was removed by WorthPoint, this claim is disputed.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#4 Plaintiff has annexed documents produced to both Defendants in discovery to include Plaintiff's proof that I signed onto eBay in the year 2015. In **EXHIBIT #24** is an email from eBay for a declined bid made by Plaintiff in **Pl. Evid. 000573 Sat. June 13, 2015.** In **EXHIBIT #25** is an eBay email for account Password change Pl.Evid. 000576 email sent by eBay on **Thursday, July 16, 2015** . In **EXHIBIT #26** is an eBay bid won by Plaintiff in **Pl.Evid. 000574 Thursday July 30, 2015.**

Plaintiff is also submitting eBay's Intellectual Property Policy produced to all Defendants regarding the use of *" Use of the "Right Now on eBay" button which states If you have your own web page, you can use a "Right Now on eBay" button to link your site to the eBay home page. Learn more about linking your site to eBay.. Except for the "Right Now on eBay" link button, you can't use any other eBay logo or graphic to link to eBay."* On Page *Prohibited use of the eBay name and logo, eBay does not permit the use of its name and logo for any of the following: • Business cards•As website links • Domain names• Name of your eBay*

store or your user name. **EXHIBIT #27 eBay's intellectual property policy Pl. Evid.**

000735-36-37. Plaintiff also includes the email to eBay with the quote from WorthPoint employee Anita Brooks who intentionally mis directed Plaintiff to pursue eBay to remove the false 1972 oil painting post from Bay's website, when all the while the false 1972 post was on WorthPoint's website. **EXHIBIT #28 Pl.Evid. 000016 email to eBay dated 11/ 26 /2015.**

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents.

EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.

Plaintiff's Statement #5

A The EAI eBay 1972 oil painting ad with Plaintiff copyright biography falsely claims Plaintiff is the artist, which I am not. The EAI eBay 1972 oil painting ad falsely stated EAI took my biography from askART. The oil painting was allegedly sold in 2012. Plaintiff gave my consent to have my biography listed on askART in 2015 to Bob Bahr author. Mr. Novocin falsely stated I am the artist who painted the 1972 painting and I did NOT. Novocin said that he took my Biography from askART which Plaintiff's proof can refute a second false claim by Norb Novocin. Since Novemeber 2001 he has been a member of askART.

B WorthPoint Response: WorthPoint lacks sufficient information to form a belief as to the truth of this compound statement as it pertains to the actions by Plaintiff and co-defendants. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#5 Plaintiff has annexed in **EXHIBIT #28 A Pl. Evid. 000149 Wayback Machine**, which is a third party company— independent and with no connection to the Plaintiff, that documents ONE capture date on Sept 22, in the year 2015. This public and unsolicited information has the same year 2015 as Plaintiff's evidence which also has the code

Plaintiff has annexed from third party Wayback machine, proof in **EXHIBIT #29 A Plaintiff askART biography was captured by Wayback Machine Internet Archivew**

Also as **EXHIBIT #29 BPl. Evid. 000151** Plaintiff's written consent to askART on March 5, 2015 and **EXHIBIT #29 C Pl. Evid. 000150 confirmation bio on askART**, June 6, 2015.

Plaintiff will now discuss and annex several deficient and questionable productions by WorthPoint and Estate Auctions Inc. On August 2th and 30 2020, WorthPoint produce two illegible and old askART documents allegedly from askART that do NOT have Plaintiff's name listed in the URL. Plaintiff notes the Defendants are being sued for creating a false ad and circulating a false internet post. Despite these facts, the URL in Defendants evidence is very small and illegible. Annexed is **EXHIBIT #30 A** Defendant's production of WP000141-WP000142 WITHOUT of Plaintiff's name is the search URL and **EXHIBIT #30 B** Defendant's production of WP000143-WP000144 ALSO WITHOUT Plaintiff's name is

the search URL. The 2015 Wayback Machine has Plaintiff's name and the URL from askArt. Plaintiff's evidence contains all the elements, names and codes, unlike Defendants' evidence.

Plaintiff has annexed from **Plaintiff's deposition pages 125 to 130 as EXHIBIT #31**

On page 126 in line 16 to 23, Plaintiff read the Declaration by Norb Novocin, who is the Defendant who created the false 1972 oil painting ad of Man With Red Umbrella at my deposition.

I read Mr. Novocin's declaration on August 30, 2022 which stated *"In 2012, Estate Auctions listed its eBay storefront that I (Norb Novocin) personally inspected. The painting was signed on the front by quote A. Trombetta end quote and featured a description reading quote Annamarie Trombetta quote gifted end quote 1997 painted quote 1972 end quote in red along the back stretcher (the painting)."* Plaintiff points out, Norb Novocin's June 2020 Declaration wrote the WRONG YEAR of 1997 and not 1977. **EXHIBIT #32** Red Pencil Signature with wrong spelling ANNA MARIA ...Gifted 1977. Norb Novocin declaration. p.1 does NOT misspell the Plaintiff's name, thus the misspelled red pencil signature was concealed in Mr. Novocin's declaration. In April 2022, upon production of the red pencil signature the misspelling and ANNA MARIA as opposed to Annamaire—ending with an E, was revealed.

Plaintiff has annexed the red pencil signature on the back of the 1972 oil painting stretcher bar and has written in all caps ANNA (separated space) MARIA, with a capital letter "M" and ends in the letter "A". Once again Plaintiff's first name is all one word and is Annamarie ending in the letter "E". **EXHIBIT #33** Red Pencil Signature with wrong spelling ANNA MARIA ...Gifted 1977 Plaintiff Evid. 000165.

Another example of Defendant's distorted or incorrect production of evidence is

as recently as Jan. 19, 2023, in the declaration of WorthPoint's IT tech who was responsible for permanently removing the false 1972 oil painting post, Jason Packer. On page 9 and 10 of Mr. Packer's declaration, Mr. Packer listed Plaintiff public, website email which I NEVER used to contact WorthPoint. I only have that email to receive and reply to sent email to my artist website Annexed as **EXHIBIT #34 is Jason Packer Declaration pages 9 and 10.**

Moreover, five months earlier, on August 30, 2022 Plaintiff testified to only using one Yahoo email address before 2015 until 2017. This is documented on pages **47, 48 and on page 178 of Plaintiff's deposition in EXHIBIT #35.** Plaintiff brings to the Court's attention a pattern and series of incorrect and /or false information in Defendants evidence. The backbone of this case is due to false and incorrect information and unsurprisingly, Defendants have continued to produce the same deficient and /or incorrect documents missing quintessential, information or completely wrong information. This absence of key information is similar to the 1972 ad which did not have any photos in the 1972 oil painting, a significant verifying element. It is the absence of photos which were distinctly and duly documented in the EAI ad on WorthPoint's website that verifies another deceitful and unscrupulous example, devoid of any substance that would possible make the EAI ad reasonably legitimate.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17,

2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement # 6

A There is no dispute that Defendants have created infringing derivative works from the Plaintiff's Subject Self Authored Biography.

B WorthPoint Response: Disputed. WorthPoint licensed the use of past eBay auction results, including the past auction listing for the painting "Man with Red Umbrella." (ECF No. 425-7, Seippel Decl, at ¶¶8-9; ECF No. 425-1, Plaintiff's deposition, p. 198), and at the direction of its licensing partner downloaded hundreds of thousands of completed sales. ECF No. 425-7, Seippel Decl. at ¶8, 10. The WP Report was posted using automated processes without any manual review. Id., at ¶10. WorthPoint did not review or edit the Auction Listing before the WP Report was generated. ECF No. 425-2, Novocin Deposition, at p. 79, l. 24, through p.80, l. 3; ECF No. 425-7, Seippel Decl., ¶13. Furthermore, WorthPoint disputes that the WorthPoint report of the Auction Listing (the "WP Report") is infringing and notes that this statement by Plaintiff constitutes an improper legal conclusion of law rather than a statement of fact. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

#6 Plaintiff notes to the Court in WorthPoint response their attorney admit "The WP Report was posted using automated processes without any manual review. ¶10. WorthPoint did not review or edit the Auction Listing before the WP Report was generated." Plaintiff can point out three consistent denials. FIRST WorthPoint's admission in 2023, is not consistent with what Plaintiff was told in 2015, when Plaintiff repeatedly and consistently informed WorthPoint's staff that the 1972 oil painting post was on WorthPoint's webpage, WorthPoint

denied the 1972 oil painting post was on WorthPoint's website. SEE EX. #28 . Plaintiff was "reliant " on WorthPoint to accept Plaintiff truthful facts. WorthPoint failed to acknowledge, in 2015 to admitting the whole 1972 webpage was false . It was WorthPoint responsible to remove the 1972 oil painting. Second, In 2015 and still today, WorthPoint is denying any liability despite being informed that Plaintiff did not paint the 1972 oil painting. There is no clear cut verifiable proof that the sale on eBay occurred. EAI Defendants produce a "cut off" email on April 27, 2022. Third, WorthPoint admits there were NEVER any photos of the 1972 oil painting Man With Red Umbrellas in the ad on WorthPoint's website. Plaintiff confirmed in 2015 with eBay by phone that the 1972 oil painting post was definitely on WorthPoint's webpage yet the eBay actual sale of the 1972 oil painting was deemed "Undefined" evidenced in **EXHIBIT #36 eBay Phone Transcript page 8 and 9 and page 19, verified by eBay Customer Service agent named Jamie and Archer.** In 2015-2016 , after Plaintiff verified the the 1972 oil painting post was on WorthPoint's website, on Jan. 14, 2016 I filled out forms on WorthPoint's website to remove the 1972 false URL. SEE **EXHIBIT #37 Jan. 14, 2016 Item Review Request on WorthPoint website to remove false 1972 post.** On Jan. 22nd, 31st and Feb. 1, 2016 Plaintiff kept phoning and emailing WorthPoint who failed to respond or immediately remove the false 1972 oil painting webpage post. Plaintiff's Phone Call with Anita Brooks documents the fact that WorthPoint's phone message indicated a phone line for buying or selling items , duly noted in the audio and written transcript in **EXHIBIT #38 A and B EXHIBIT #38 Pl. Evid. 000930 WorthPoint outgoing phone message "looking to buy or sell press 3.** Moreover, WorthPoint references Plaintiff's August 30, 2022 deposition and for the Court's convenience, Plaintiff has annexed page 196 in which I

references Plaintiff's Jan. 14, 2016 submission using WorthPoint's website form for the "Item Review Removal" from WorthPoint's webpage. **SEE EX. 37.**

Plaintiff's August 30, 2022 deposition pages 195, 196 (SEE EX. 37) 197, 198, 199, 200, are in **EXHIBIT #39 Plaintiff's deposition pages 195 thru to 200 .** WorthPoint's claim "*We license the data displayed in the Worthopedia from a variety of sources. We are an official licensee of eBay and marry of the leading auction houses.*" On page 197, Plaintiff references my recorded phone call to WorthPoint in which the audio was transcribed and WorthPoint's outgoing message is documented in EX. 38A and EX. 38 B

WorthPoint's response include the claim below in bold :

"WorthPoint disputes that the WorthPoint report of the Auction Listing (the "WP Report") is infringing and notes that this statement by Plaintiff constitutes an improper legal conclusion of law rather than a statement of fact."

Plaintiff's has a copyright and has never waived or transferred my biography copyrights . Plaintiff name was used on a painting I did not paint which violates the terms of VARA . Plaintiff has my own CMI and did not have a licensing agreement with WorthPoint at any time . The application of WorthPoint's self evident claim in the EAI ad violates the DMCA laws. The continuous "WorthPoint disputes" of these proven facts has caused Plaintiff to add further claims for IIED, Tort and Fraud. WorthPoint's stance is deceitful has always been one of denial even though they admitted they do NOT review any items they post. Moreover, WorthPoint continued to purport a webpage after Plaintiff informed them that the 1972 post was completely false. In this case and with these Defendants even with the evidence plainly and clearly presented proving that Plaintiff's facts, WorthPoint, by rote will still deny any liability.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #7

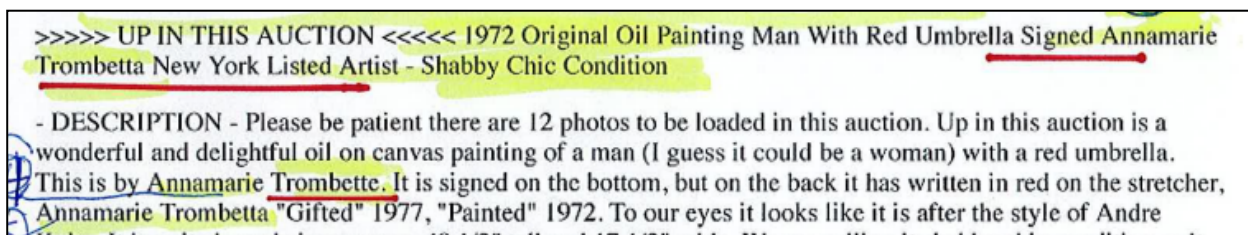
A There is no dispute that both Defendants have failed to produce the 12 photos of the oil painting listed and documented in the online eBay ad for the 1972 Original Oil Painting entitled "Man With Red Umbrella."

B **WorthPoint's Response: Disputed. This statement by Plaintiff constitutes an improper legal conclusion of law rather than a statement of fact. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement. The Court has deemed all discovery issues to be resolved and discovery closed. ECF No. 340. Plaintiff was advised in WorthPoint's Responses and Objections to Plaintiff's Request for Production of Documents, dated April 8, 2022, that it had produced all photographs in its possession. See, ECF 470-2.**

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#7 Plaintiff had nothing to do with the alleged 1972 oil painting that was titled by Norb Novocin as "1972 Original Oil Painting Man With Red Umbrella. Each Defendant was

responsible in contributing to the “1972 Original Oil Painting Man With Red Umbrella being posted under Plaintiff’s name. Defendants Estate Auctions Inc, Norb Novocin in his deposition on pages 38, 41 and 42 of his deposition admitted to having somebody take pictures of the 1972 oil painting . Below is the excerpt from the WorthPoint webpage ad or “false report” Annexed as **EXHIBIT #40 Novocin depo. pages 38-41 to 44.** On page 44, Norb Novocin testified “ We have literally have shot millions of photos and so cameras wear out and we change cameras” **EXHIBIT #41A WorthPoint webpage text with 12 photos listed.**



In No. 6 of WorthPoint’s MSF, WorthPoint claims “ *The Worthopedia is accessible to users from www.worthpoint.com, and it currently provides access to more than 720 million historical auction listings and one billion images, including historical listings from the online auction website www.ebay.com.* WorthPoint’s claim of 720 million historical *auction listings and one billion images* challenges any means of accounting for such numerous data. Despite this abundant claim, WorthPoint still refused to remove one false post and is now litigating for three years over one fraudulent post. I note that despite litigation, WorthPoint emailed Plaintiff’s website email address on March 22, 2022. **EX. #41B WorthPoint 2022 email- Pl. Evid. 000880.**

Plaintiff impresses upon the Court and notes from 2015 until 2017, I researched if there was a 1972 oil painting. On Jan. 10, 2017, Norb Novocin phoned the Plaintiff I

specifically asked him if there was any provenance, for the 1972 oil painting and Mr. Novocin responses **no** there was **no provenance** for the 1972 oil painting. Plaintiff's notes to the Court, this case goes beyond one oil painting. It is more to do with the lack of laws that prevent a false, online, internet description of a painting, absence any photos except one forged signature which thereby made the Plaintiff's name and profession susceptible to more untraceable low quality artworks with possibly more forged signatures. Plaintiff reiterates, I am left completely unprotected and vulnerable to more false internet postings descriptions without any tangible, visible proof that any described items even exists. Plaintiff's requests of the Court for Declaratory and Permanent Injunctive Relief is due to Plaintiff's consistent ongoing fight against two Defendants who are willful disputing claims despite my irrefutable, evidence, and the Defendants lack of evidence. No other artist is associated to the 1972 painting,

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1**

Plaintiff's email proof of sent Declaration with Exhibits.

Plaintiff's Statement #8

A There is no dispute that WorthPoint Corporation Defendants have failed to produce the requested Customer Support Ticket Entries with No. Ticket No. 57565 RE Fraudulent artwork dated Feb. 1, 2016 and the first request dated Jan 22, 2016 for Ticket No. 56607 RE WorthPoint Price Guide Membership subscription and Plaintiff's request to remove false 1972 post.

B WorthPoint's Response: Disputed. This statement by Plaintiff constitutes an improper legal conclusion of law rather than a statement of fact. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement. The Court has deemed all discovery issues to be resolved and discovery closed. ECF No. 340. Plaintiff was advised in WorthPoint's Responses and Objections to Plaintiff's Third Request for Production of Documents, dated August 15, 2022, that WorthPoint is no longer in possession of any takedown tickets submitted by Plaintiff in 2016. See, Exhibit "A" of Farmer Declaration.

Plaintiff informs the Court WorthPoint never responded in writing to any of WorthPoint's emails that generated WorthPoint's response Ticket No. 56607 RE in January and Ticket No for 57565 in February 2016. Moreover, in 2016, WorthPoint also never responded to Plaintiff January 14, 2026 Item Review Removal forms entries using and sent into WorthPoint's website. WorthPoint never responded to any written emails to Greg Watkins or Anita Brooks despite one informing me to email then using support@worthpoint.com. In short, all phone calls, emails and filled out forms on WorthPoint's website were ignored. It was only through diligent and determination that Plaintiff attempts by to willfully inform WorthPoint Corp that they were posting a completely false listing under my name were finally acknowledged after being ignored for over six steady months,

No. 49 "To further address Plaintiff's concerns, WorthPoint's CEO instructed WorthPoint employee Jason Packer to submit a removal request to Google on March 3, 2016. Ex. "G", at ¶19 See also, Doc. 36 at 46.was internet posing"

WorthPoint current litigation defenses, delays and denials replicate the same pattern of willful blocks pretentious blindness to reject any and all responsibilities, thus from the beginning

it can be deduced in the present actions that WorthPoint intends to keep false listings on the internet completely leeching off of other people's name and professional states for vapid, false personal advantages to boast "*720 million historical auction listings and one billion images*".

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1**

Plaintiff's email proof of sent Declaration with Exhibits.

Plaintiff's Statement #9

A After Plaintiff's initial notice of infringement in 2016, WorthPoint took no steps to ensure that it wouldn't happen again.

B WorthPoint's Response:

Disputed. Upon learning of Plaintiff's claim and request to take down the content, WorthPoint caused the WP Report to be permanently deleted from WorthPoint's website on February 4, 2016. ECF No. 425-7, at ¶16, see also, ECF No. 61-1 at ¶ 5. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

#9 Noted in WorthPoint's Statement of Material Facts No. 49. is the admission that on March 3, 2016 Jason Packer was instructed to submit a removal request to Google Here is No. 49 WorthPoint's Statement of Material Facts in its entirety.

No. 49 “ *To further address Plaintiff's concerns, WorthPoint's CEO instructed WorthPoint employee Jason Packer to submit a removal request to Google on March 3, 2016.*

Ex. “G”, at ¶19 See also, Doc. 36 at 46.was internet posing”

Secondly if WorthPoint removed the WP Report and permanently deleted it from WorthPoint's website on February 4, 2016 there would be no need for Jason Packer to submit a removal request to Google on March 3, 2016 . Plaintiff has filed WP000132, 000133 and 000134 the January 4, 2017 email from Plaintiff regarding the new post of the 1972 oil painting on the internet. On WP000134 communication and acknowledgment of the Plaintiff's email and the URL on the internet is documented on this page. Once again, in 2017 WorthPoint did not respond to Plaintiff's email and as per WorthPoint's usual pattern, Plaintiff's email was ignored.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response Declaration

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours. Once again Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent**

Declaration with Exhibits.

Plaintiff's Statement #10

A There is no dispute that Plaintiff first contacted WorthPoint on Jan. 22, 2016 and spoke to Anita Brooks by phone and sent emails to WorthPoint.

B **WorthPoint Response: Disputed. Plaintiff contradicts her own statements in the Memorandum of Law, Docket 432, page 5, where she claims that she first contacted WorthPoint at some point in 2015. Furthermore, Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.**

Plaintiff has consistently and repeatedly stated and filed evidence in my pleadings, motions and replies for Summary Judgement the following : In early August 2015, Plaintiff found the false 1972 oil painting post Man With Red Umbrella on the internet, listed under Plaintiff's name. Beginning in August and until November 2015, Plaintiff contacted eBay and WorthPoint to have the false misattribution and false 1972 post removed from the internet. Due to WorthPoint's intentional denial claiming WorthPoint's website did NOT have the false internet posting of the 1972 Original Oil Painting Man With Red Umbrella, on its website. Plaintiff was intentional misdirected by Anita Brooks in 2015 to contact eBay to remove the false post from the internet. Anita Brooks deliberate and intentional misdirection was written in an email sent to eBay and filed several times with the Court. The same email is in EXHIBIT #28 in the annexed exhibits. Plaintiff was reliant on WorthPoint for information and was deceived for months.

Through rigorous pursuits and a great loss of time, eBay confirmed in a phone call that eBay did NOT have the false 1972 post on its website. WorthPoint had an eBay logo that was

hyperlinked, therefore the two websites were intertwined together. Plaintiff has submitted **in EXHIBIT # 42 the full eBay phone call transcript** to the Court which confirms on page 9 that WorthPoint's website is the source of the false 1972 webpage SEE EX. 36 eBay page 9.

In 2016, Plaintiff first contacted WorthPoint on Jan. 22, 2016 and spoke to Anita Brooks by phone and sent emails to WorthPoint. The underlined statement is what Defendants are disputing. Plaintiff has annexed the three phone calls to WorthPoint beginning on Jan. 22, 2016 and Jan. 31st and last on Feb. 1, 2016. Despite verbally informing Anita Brooks on Jan. 22, 2016 that I am NOT the artist and that my copyrighted biography was incorrectly used and made public. WorthPoint failed to respond to any of Plaintiff's phone calls or sent emails to include the Ticket No. 56607 RE in January 22nd and 29, 2016 and Ticket No for 57565 on February 1, 2016. Plaintiff confirms Plaintiff did not contradict any facts throughout litigation regarding the 2015 outreach to Anita Brooks which resulted in a written email. Due to Plaintiff's discovery from eBay that the false 1972 post was on WorthPoint's website, Plaintiff first contacted WorthPoint on Jan. 22, 2016 and spoke to Anita Brooks by phone and sent emails to WorthPoint. Plaintiff is clarifying my SMF No. 10 and denies any contradictory assertion made by the Defendants.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the

docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #11

A There is no dispute that Plaintiff contacted WorthPoint on Feb. 3, 2016 and spoke to Gregory Watkins by phone and sent emails to WorthPoint.

B WorthPoint Response:

WorthPoint does not dispute that plaintiff contacted WorthPoint on February 3, 2016 and spoke to Gregory Watkins by phone, and that she communicated with WorthPoint by email on several dates. WorthPoint notes, however, that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #12

A There is no dispute that Will Seippel WorthPoint Corp. published and evidenced in responded to Plaintiff's first email on February 20, 2016 and wrote "we will remove."

B WorthPointResponse:

Disputed. This statement is vague, ambiguous and not clearly stated. To the extent that Plaintiff alleges WorthPoint published this e-mail for public viewing, this statement is not true. WorthPoint does not dispute that Plaintiff e-mailed Mr. William Seippel on February 20, 2016, at 10:24 a.m. On February 20, 2016, at 10:35 a.m., Mr. Seippel's response stated the following:

"We unfortunately do not take the data from eBay you are asking for. We only obtain selling price, pictures and the description. We do not obtain sellers, buyers and all such information you are asking for. I am sorry we do not do that but we never had and it is more information than we are allowed to collect. I do not think that data actually exists anywhere at this point as we are the only persons that have saved this to my knowledge. Since you are the artists, and I have no reason to doubt that, and you feel this is fraudulent, we will remove the item from the site so that it does not mislead anyone on your paintings."

IMPORTANT NOTIFICATION

PLAINTIFF ACKNOWLEDGES ERROR. PLAINTIFF FILED ON APRIL 17, 2023 MY FIRST DRAFT OF PLAINTIFF'S RULE 56.1 STATEMENT OF FACTS INSTEAD OF THE CORRECT VERSION DUE TO APRIL 17th PRINTER PROBLEMS.

WorthPoint's responses have brought Plaintiff's attention to my Rule 56.1 Statement of Facts filed on April 17, 2023 sent to the Pro Se Office, On said date, I inadvertently filed my FIRST DRAFT of my Rule 56. 1 Statement of Facts on April 17, 2023. The first draft had a visual side by side format which was cumbersome to type. Plaintiff duplicated this document and changed the design to a traditional style reading left to right format.

The reason for this unintentional mistake has been documented in ECF 415.

In preparing for my April 17th Summary Judgement submission, on April 14, 2023, the printer/ scanner in the business center of my building was Out of Service. All staff member were on

415 04/14/2023 LETTER addressed to Judge Ronnie Abrams from A. Trombetta, dated 4/14/23 re: "PLAINTIFF'S REQUEST FOR EXTENSION ORDER OF CAUSE - PRINTER IN BUSINESS CENTER OUT OF ORDER" -If it is all possible, please give Plaintiff until tomorrow or 4/17/23 to file my documents. All of my motions requiring attaching many exhibits which need to be printed out etc. Document filed by Annamarie Trombetta.

Passover Holiday. Evidenced in ECF 415 is Plaintiff's letter to the Court requesting an immediate—necessary extension until April 17, 2023. SEE INSERT BELOW.

On the new due submission date, April 17, 2023, the same printer went out of service. The printer and scanner malfunctions adversely effected Plaintiff's time sensitive submission. Plaintiff's documents were filed in haste resulting in attaching my FIRST/UNCORRECTED DRAFT for Rule 56 Statement of Material Facts and not the SECOND correct, proof read Statement of Facts, hence the vague statements. Plaintiff has filed the Correct version with my reply to WorthPoint's responses. Please see **EXHIBIT #44 Letter confirmed Service Repair for Printer on April 17, 2023 at The Monterey Business Center in Pl. Residence.**

Plaintiff notes all of my April 17,2023 filings totaled seventeen beginning with ECF

451 04/21/2023 LETTER addressed to Judge Ronnie Abrams from A. Trombetta, dated 4/21/23 re: "PLAINTIFF'S REQUEST FOR A BRIEF ONE-WEEK REPRIEVE"- Plaintiff writes this letter to also request a one week reprieve from this case. Pro se Plaintiff's unexpected duress and continued mental stress of the demands in this lawsuit has let to my current physical and mental exhaustion. Plaintiff is requesting a one week reprieve to stabilize my health, and would like to resume on 5/1/23 etc. Document filed by Annamarie Trombetta.

429, 430, 431, 432, 433, 435, 437, 438, 439, 440, 441, 442, 443, 444, 445, 447 and 448.

Plaintiff notes to the Court on April 21, 2023 I wrote to Judge Abrams in ECF 4 requesting a one

week reprieve due to the stress and exhaustion in filing my Summary Judgement submissions.

Plaintiff concedes that statement No. 12 was not clearly stated since I filed my FIRST DRAFT Statement of Facts which I did not proof read or finish. To properly address statement No. 12 Plaintiff's correct written statement is :

C #12 There is no dispute that Will Seippel WorthPoint Corp responded to Plaintiff's first email sent on February 20, 2016 and wrote ... "you feel this is fraudulent, we will remove the item from the site". Evidenced in WorthPoint's bated stamped discovery is the same Feb. 20, 2016 email response from Will Seippel to the Plaintiff's Feb. 20, 2016 email. documented in WorthPoint's bated stamped evidence WP000062, WP000096 and WP0000135 . All three of WorthPoint's evidence has Will Seippel's Feb. 20, 2016 response email to Plaintiff's first outreach email to Will Seippel. Despite this document dated February 20, 2016 email response from Will Seippel informing Plaintiff that WorthPoint "we will remove the item (1972 oil painting post) from the site WorthPoint's Website). Four years later, on June 29, 2020 Will Seippel filed his declaration with the Court in ECF 61-1 . Will Seippel declared to the Court in No. 6:

" 6. On February 20, 2016, I received an email from Plaintiff Trombetta which stated that a reference to the title of the Allegedly Infringing Auction Listing remained visible when she conducted a "google search for the painting `1972 Original Oil Painting Man with Red Umbrella signed Annarnarie Trombetta.,." Shortly thereafter, on March 1, 2016, I responded to Plaintiff Trombetta's February 20, 2016 email and informed her that `we have taken down any pages that you have asked to have taken down as a courtesy to you" and that any reference to the Allegedly Infringing Auction Listing in her Google search "reflected the past" and was the result"of that search engine's memory.

EXHIBIT # 45 Will Seippel June 2020 Declaration in Pl. Evid. 000214, 000215 and 000216

Will Seippel's June 29, 2020 in ECF 61-1 Declaration response purports that Mr. Seippel responded to Plaintiff's Feb. 20, 2016 email on March 1, 2016 which is not true. Will Seippel sent an email response to Plaintiff's Feb. 20, 2016 email on the same day Plaintiff sending it.

Plaintiff notes to the Court the relevancy due to Mr. Seippel's declaration which purports that WorthPoint removed the false 1972 posting on Feb. 4, 2016. This is not correct. Plaintiff has produced evidence in Pl. Evid. 000370 000371 dated Feb 17, 2016 that has a notation on the Google Listing under WorthPoint's webpage named Marilyn Monroe Photos which was linked to the 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta URL. The notation "You visited this page on Feb. 17, 2016 is self evident. Plaintiff, on Feb. 17, 2016 clicked onto the WorthPoint link online and accessed the 1972 post prior to writing Will Seippel on Feb. 20, 2016.

Plaintiff also notes within the Plaintiff's Feb. 20, 2016 email sent to Will Seippel there is a WorthPoint link ***TITANIC lithograph posterand under this is written About the Art: Great Care was taken to precisely re-create the artist's original image....1972 Original Oil Painting Man With Red Umbrella signed Annamarie....*** There is a notation to this link "You visited this page on 2/16/16." Plaintiff on February 16, 2016 was able to click onto WorthPoint's webpage TITANIC lithograph poster which had a link to "1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta <http://www.worthpoint.comworthopedia/1972-original-oil-painting-man-red-4892417>. The "You visited this page on 2/16/16." is proof that that I visited both pages, thus as a result, Plaintiff emailed Will Seippel on Feb. 20, 2016 and cut and pasted all the Google Listings into Plaintiff's email that I sent to Mr. Seippel. Plaintiff submits in **EXHIBIT #46 the evidence in Pl. Evid. 000045 and WorthPoint's Evidence WP000071**. Each bates stamped be it the Plaintiff's or Defendants' document has the " *You visited this page on*

2/16/16.” listing and quote which clearly documents the 1972 webpage linked to Titanic lithograph poster, both posts that were on WorthPoint’s website in 2016.

C Plaintiff’s June 29, 2023 Reply to WorthPoint’s Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff’s notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff’s Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff’s email proof of sent Declaration with Exhibits.** Plaintiff’s Statement #13

A There is no dispute that Second Defendants WorthPoint Corp. published and evidenced in the January 4, 2017 emails in WP000132, WP000133, WP000134 the 1972 oil painting URL on WorthPoint’s website.

B WorthPoint’s Response: Disputed. This fact is vague, ambiguous and not clearly stated. To the extent Plaintiff is stating that she e-mailed William Seippel on January 4, 2017, WorthPoint does not dispute that such email exists. To the extent that Plaintiff alleges WorthPoint published this e-mail for public viewing, this statement is not true. Further, WorthPoint notes that Plaintiff was provided with an e-mail from Will Seippel to Jason Packer, dated January 4, 2017, stating that “[t]here is nothing on [WorthPoint’s] site from [Plaintiff], just th[e] link that Google keeps recognizing.” See, ECF No. 447-3, at p. 37. WorthPoint further notes that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.

Plaintiff has screen shot WorthPoint's Evidence WP000134 to let the Court read the content of Mr. Jason Packer's statements in response to Plaintiff email informing WorthPoint the 1972 false oil painting was posted online. **EXHIBIT #46 WorthPoint's Evid. Pl. Jan.4, 2017 email Re 1972 post WP000132, 000133, 000134**

Plaintiff has also annexed deposition pages from Plaintiff's Internet Expert witness Mr. Patrick O'Leary. **EXHIBIT #47 Deposition pages 100 to 107 regarding removing URL's from the internet and Mr. O'Leary's internet training and experience.**

C
2023

proof
the
April



Plaintiff's June 29,
Reply to
WorthPoint's
Response.

Plaintiff submits as
my SENT email to
Pro Se office on
17, 2023 with my

Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email**

Plaintiff's Statement #14

A The Infringing eBay ad was an important part come to their site and purchase the WorthPoint Membership of Defendants' online business, and both companies benefitted on the back of its marketing efforts, which took place solely online.

B WorthPoint's Response: Disputed. This fact is vague, ambiguous and not clearly stated. WorthPoint provided free public access to the WP Report of the eBay Auction Listing,

except for the price for which it sold. ECF No. 425-1 at p. 87, 205, 215. WorthPoint's primary offering, the Worthopedia (also referred to as WorthPoint's "Price Guide"), is a searchable online database that provides users with historical pricing data from actual auction and retail sales. ECF No. 425-7 at 4. Moreover, Plaintiff herself admitted that she was able to access the entire Listing on WorthPoint's website for free, before she signed up for a paid membership to find out for how much the Painting sold (she subsequently cancelled her membership and never paid the bill). ECF No. 425-1, Plaintiff's Deposition, at pp. 87, 205, 215. WorthPoint further notes that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.

CORRECTED STATEMENT FOR NO. 14

Plaintiff concedes that statement No. 14 was not clearly stated since I filed my FIRST DRAFT Statement of Facts which I did not proof read or finish. To properly address statement No. 12 Plaintiff's correct written statement is :

14. The Infringing eBay ad was an important part come to their site and purchase the

WorthPoint Membership of Defendants' online business, and both companies benefited on the back of its marketing efforts, which took place solely online,

Plaintiff's Statement #15

A. WorthPoint advertises sale because it "want[s] people come to their site and purchase the WorthPoint Membership."

B WorthPoint's Response: Disputed. WorthPoint provided free public access to the WP Report of the eBay Auction Listing, except for the price for which it sold. ECF 425-1, at p. 87, 205, 215. Plaintiff attempts to provide a quote from her own testimony to support this fact. As stated by Will Seippel, the Chief Executive Officer of WorthPoint, WorthPoint's primary offering, the Worthopedia (also referred to as WorthPoint's "Price Guide"), is a searchable online database that provides users with historical pricing data from actual auction and retail sales. ECF No. 425-7, Seippel Decl at 4. Moreover, Plaintiff testified and admitted that she was able to access the entire Listing on WorthPoint's website for free, before she signed up for a paid membership to find out for how much the Painting sold (she subsequently cancelled her membership and never paid the bill). ECF No. 425-1 Plaintiff's Deposition, at pp. 87, 205, 215. WorthPoint further notes that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.C

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response

WorthPoint purports it "*is a searchable online database that provides users with historical pricing data from actual auction and retail sales*". As noted in EXHIBIT #15 which is Norb Novocin monthly membership payments to WorthPoint Corp.'s website, there is a monthly fee charged by WorthPoint in order to view the price of all the items listed.

Plaintiff adds, everything on the WorthPoint webpage is the same visible content as the WorthPoint Membership. The WorthPoint Membership enables one to see the price of the item that was allegedly sold. In order to view the price it is necessary to sign onto WorthPoint's Membership by entering one's name, credit card number etc.

WorthPoint states "*Plaintiff testified and admitted that she was able to access the*

entire Listing on WorthPoint's website for free." In 2016, in order to view the price of the "1972 Original Oil Painting Man With Red Umbrella" Plaintiff had no other choice than to submit my credit card number to view the alleged sale price for the 1972 oil painting.

It is extremely important to impress upon the Court the danger of Plaintiff's name association with this website that purports historic pricing and alleged historic reports. Plaintiff never painted the 1972 oil painting. Moreover, in 2015, Plaintiff contacted eBay because the WorthPoint's staff emphatically told Plaintiff the false 1972 post was not on WorthPoint's website. WorthPoint intentionally misdirected the Plaintiff to contact eBay to remove the false 1972 oil painting entitled Man With Red Umbrella that was misattributed to the Plaintiff. On page 13 of the eBay transcript states for Copyrighted purposes....the seller of items was required to provide us (eBay) with documents.....

00;22;48;29 - 00;23;33;27
Aldrin
 So since it's on your website might have been login register between that specific series of numbers. OK, but do further check on this I'll be needing. to go up to our Listing Policy Department, you know, I'd be looking further into it. Together with that if you have access beyond the items that we have here on eBay, all the reports, all the details of the left bank that he might have even requiring this particular item for documents for **COPYRIGHT purposes** like listing items like this very easy or whatnot, most likely the seller of items was required to provide us (eBay) with documents updated to make sure for us as well that items which we know

On Page 19 of the eBay phone transcript, eBay agent named Archer, in 2015 which was only three years after the alleged sale, the eBay agent named Archer could not access any information associated with the sale and deemed the 1972 post on WorthPoint's website as "Undefined".

EXHIBIT # 48 A eBay phone call Transcript page 13 and page 19.

Archer
 And if they help you further, I can't pull up any correct information associated with the sale now because it's UNDEFINED Nothing is showing up here ..Ah ..just the source.. that it's sold on eBay.
 00;42;16;08 - 00;42;33;13
Annamarie Trombetta
 OK, if its undefined, but what's not undefined is the association of my name with your company with WorthPoint and with this piece of artwork and with the signature, it is my name that is being used.

EXHIBIT # 48 B Plaintiff's complete eBay phone call Transcript

In 2016, on Jan. 22, 2016 Plaintiff informed WorthPoint's staff that the 1972 oil painting post purported false information, I was not the artist that was attributed to the painting and that my copyrighted biography was unethically and incorrectly used. Despite this information, WorthPoint failed to contact the Plaintiff never responded to my phone calls and emails, until Plaintiff called on Feb. 1 2022. WorthPoint boasts they "*provides users with historical pricing data from actual auction and retail sales*". Again, in 2015 eBay informed Plaintiff the sale was "Undefined". Since I am not the artist and the painting was misattributed to the Plaintiff as the artist, WorthPoint is NOT providing correct historical pricing data if my name and biography are associated with the painting and the alleged sale. WorthPoint admits it posts historical pricing data. I have no history and affiliation with the alleged 1972 oil painting. Plaintiff's name and biography was misattributed to a four foot four foot high oil painting, alleged sold online through eBay and the alleged sold price was \$181. 50. The association of Plaintiff's true biographical text that is near verbatim with my website biography that creates a false association and what caused the loss of my potential sale of "Wisteria Arbor Mandala" to a prominent art collector". This biographical inclusion is precisely what caused damage and distortion to my public image and fabricated an association with these companies through a very low bid price to a a very large scale, low quality oil painting. WorthPoint's webpage caused Plaintiff to lose the interest from prospective gallery dealers who were interested in representing the Plaintiff. The false 1972 WorthPoint webpage immediately effected my livelihood and earning potential Plaintiff reminds the Court that my name associated to a website that purports historical prices, falsely tethers my name, history and price point to a

fictitious assertion. The incorrect facts on WorthPoint's webpage for the false 1972 post on the internet creates data and implications which distorts and alters the true facts of my career, life, professional re'sume', artistic oeuvre and the photo signature projected a forgery to the public for a known period of time from 2015 to 2017.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #16

A There is no dispute that the signature A. Trombetta on the front of the 1972 Original Oil Painting entitled Man with Red is not the Plaintiff's signature.

B WorthPoint Response: This fact is vague, ambiguous and not clearly stated. WorthPoint lacks sufficient information to form a belief as to the truth of this statement. WorthPoint further notes that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#16 Plaintiff concedes that statement No. 16 was not clearly stated since I filed my FIRST

DRAFT Statement of Facts which I did not proof read or finish. Plaintiff omitted the word “Umbrella” from the title of the painting. To properly address statement No. 16

Plaintiff’s correct written statement is : #16 There is no dispute that the signature A. Trombetta on the front of the 1972 Original Oil Painting entitled Man with Red Umbrella is not the Plaintiff’s signature. For the Court’s convenience I have annexed as **EXHIBIT #48** the **Photo of the EAI “A. Trombetta” signature and Plaintiff’s self evident childhood handwriting script and print from 1972 in Plaintiff’s. Evid. 000260.**

C Plaintiff’s June 29, 2023 Reply to WorthPoint’s Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff’s notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff’s Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff’s email proof of sent Declaration with Exhibits.**

Plaintiff’s Statement #17

A There is no dispute that the signature in red pencil on the back stretcher bar of the 1972 Original Oil Painting entitled Man With Red is not the Plaintiff’s signature.

B **WorthPoint’s Response: This fact is vague, ambiguous and not clearly stated. WorthPoint lacks sufficient information to form a belief as to the truth of this statement.**

WorthPoint further notes that Plaintiff failed to timely file or serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#17 Plaintiff concedes that statement No. 17 was not clearly stated since I filed my FIRST DRAFT Statement of Facts which I did not proof read or finish. Plaintiff omitted the word "Umbrella" from the title of the painting. To properly address statement No. 17

Plaintiff's correct written statement is : #17 There is no dispute that the signature in red pencil on the back stretcher bar of the 1972 Original Oil Painting entitled Man With Red is not the Plaintiff's signature. is NOT signed Annamarie Trombetta. It is signed ANNA (with a space between the two names) MARIAA , ending in the letter "A" and the last name TROMBETTA with a claim PAINTED 1972, GIFTED 1977. The red pencil signature is not the same spelling as Plaintiff's name. Defendants failed to identify a designated person as to who signed each signature on the front or back of the 1972 oil painting" Man With Red Umbrella" and failed to designate who is actual painted this oil painting. Based on this lack of personal designation of the artist given the painting was signed,

"Scienter" was noted by Judge Ronnie Abrams on page 19 of 26 (WorthPoint's falsely claiming a licensing agreement for Plaintiff's biography). The production of the red pencil signature on the back of the 1972 canvas was NOT produced until April 2022. Plaintiff claim for Fraud Rule (9) was added to Plaintiff's Second Amended Complaint in ECF 348 filed on Dec. 27, 2022 after discovery was deemed closed. In **EXHIBIT #49 A is another example of Plaintiff Evid. 000495 which is Plaintiff 1972 childhood signature as well as print.**

EXHIBIT #49 B are photos produced by Estate Auctions Inc. photos red pencil signature

misspelling Plaintiff's name. Moreover the photos do not look like a nine year old child's print.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again. Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Plaintiff's Statement #18

A There is no dispute that the Plaintiff is not the artist who painted the 1972 Original Oil Painting Entitled Man with Red.

B WorthPoint's Response: This fact is vague, ambiguous and not clearly stated. WorthPoint lacks sufficient information to form a belief as to the truth of this statement. WorthPoint further notes that Plaintiff failed to file or timely serve the Declaration that she is citing in purported support of this statement.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

#18 Plaintiff omitted the word "Umbrella" from the title of the painting. Plaintiff's correct written statement is : #18 There is no dispute that the Plaintiff is not the artist who painted the 1972 Original Oil Painting Entitled Man with Red Umbrella". Plaintiff affirms in 2003, as did fact witness Vanessa Ploski ,I wrote my biography on my personal catalog and

website. In my biography are affirming detailed facts, *“I began my formal training at The Brooklyn Museum School of Art while I was in high school”* which confirms, I did not paint in oils in 1972 when I was nine years old. My biography was written nine years before the alleged 2012 eBay sale of the 1972 oil painting. In addition, Plaintiff has provided proof of my script and print from the year 1972. Plaintiff’s 1972 signatures are consistent with what a child’s signature should exemplify. My 1972 signatures look nothing like the two signatures produced by Estate Auctions Inc and distributed by WorthPoint Corp.

Plaintiff brings to the Court’s attention WorthPoint’s response that WorthPoint lacks sufficient information to Plaintiff’s Statement of Material Facts No. 18 demonstrates a willful defiance to admit Plaintiff is not the artist. Plaintiff’s one word omission of Umbrella should not prevent WorthPoint from facts is consistent with WorthPoint’s quote in ECF 476 on Page 9 of 40 states *“WorthPoint takes no position on the authorship of the Painting, since it never saw the Painting, nor had any firsthand knowledge about the Painting.*

The WorthPoint Corporation admits they take NO position on the authorship, and is willfully ignoring and denying the proof of Plaintiff’s 1972 childhood signature in print and script confirming I am not the artist. WorthPoint’s position is consistent since 2015 and WorthPoint is responsible for Plaintiff problem and lawsuit due to WorthPoints’ deliberate concealment that the 1972 false post was on its website and WorthPoint’s defiant resistance to remove the false 1972 oil painting post from the internet in 2015 thru 2016. In 2017, WorthPoint failed to respond to the Plaintiff and failed to remove the false 1972 oil painting Man With Red Umbrella internet post from the public arena of the internet.

Plaintiff brings to the Court's attention WorthPoint's statement regarding Plaintiff's copyright Biography. Plaintiff affirms I never waived or transferred my copyrights to my Biography in my catalog and on my website to another party, at any time. WorthPoint stated on page 9 of ECF 467 and admits: *Plaintiff also claims that she holds a copyright in her Biography which was also part of the Listing. Again, WorthPoint has no independent knowledge about the Biography, as it never saw the Listing before being contacted by Plaintiff,* WorthPoint admits not knowing who the Plaintiff was and not knowing if Plaintiff holds a copyright to my biography, yet it is evidenced in Pl.Evid 000163, yet the self-evident photos documents WorthPoint affixed a copyright "© symbol & "Copyrighted work licensed by WorthPoint"" to the photograph of the 1972 painting accompanying the "alleged WP Report". WorthPoint adhered to the above copyright and licensing claim while admitting they did not see the listing that was on WorthPoint's own website. WorthPoint admits *"it was not involved in attaching the Biography to the Listing."* yet WorthPoint's written claims devoid of any admitted research, was publicly distributed on the internet. WorthPoint is attempting to plead ignorance. Nevertheless, WorthPoint's negligence in its research and in the accuracy of its alleged webpage in Plaintiff's case has distributed a completely false "historic reports". WorthPoint, in 2017 is considered at this point as committing successive, WorthPoint is known as at this point in litigation, there is no reason given Plaintiff's evidence that WorthPoint and their attorneys are writing such statements responding as such to No. 18 **"WorthPoint lacks sufficient information to form a belief as to the truth of this statement."**

Plaintiff ends with by reminding the Court of Plaintiff's 2015 research documented in the eBay phone call and the eBay agent named Jamie on page 8 noted the 1972 post was "from

a third party app that was not from ebay anymore” and the admission by eBay specialist Archer that the 2012 eBay sale of the 1972 oil painting was “*undefined*” on page 19. **SEE EX. 47 A and B.** In addition to eBay’s 2015 documented statements I bring to the Court’s attention WorthPoint’s webmaster Greg Watkins admission in on Feb. 3, 2016 in my phone call with Mr. Watkins who admitted “ *We can’t vet every page that we..that we are given to post*” in **EXHIBIT # 50 A Pl. Evid 001006 and #50 B Greg Watkins Feb. 3 2016 phone transcript.** In summary, Plaintiff was reliant upon the production of the 2012 eBay sales receipt from Estate Auctions Inc as proof that the 2012 sale of the oil painting actually occurred. Based on the false and forged misspelling of the red pencil signature, EAI’s false claim that my bio was on askART in 2012 and not the factual documented year in 2015, Plaintiff’s discovery request for one simple eBay sales receipt in 2012 from EAI was reasonable and would confirm the 2012 sale. EAI produced four varied receipts and print out of the alleged 2012 eBay sales receipt which is deficient and cut off on the right side as well as the bottom. It is also worth noting that the background is black with white type, and upon consulting with my internet expert witness Patrick O’Leary, he affirmed he never saw meta data on a black background, Annexed in **EXHIBIT #51 is Estate Auctions Inc Meta Data printed out on pages.** The Plaintiff was also asked by the Defendants to produce the Meta Data of my first email to Will Seippel. Plaintiff has annexed in **EXHIBIT #52 Plaintiff’s Feb. 20, 2016 email to Will Seippel in a Meta Data Print out Pl. Evid. 000366 000366A, 000366B, 000366C, 000366D.** During a Meet and Confer on Friday Oct. 28, 2022, attorney Adam Bialek requested of the Plaintiff to produce the native electronic raw message of the same printed out version of the **Plaintiff’s Feb. 20, 2016 email to Will Seippel in a Meta Data**

and I immediately complied with WorthPoint's attorneys request by simply downloading the raw email to my desktop as a PDF format and emailing it to the Defendants. The Plaintiff requested on Nov. 23, 2022 which was Ordered by Judge Cave production by Estate Auctions Inc for the 2012 eBay sale receipt in the same electronic native email in one PDF electronic format that Plaintiff produced to Defendants for the Feb 20, 2016 email to Will Seippel. Plaintiff was told in 2015 was undefined. email was sent to Norb Noovcin. Once again , given the 2015 eBay phone call and notification that the 1972 oil painting post was by a third party and not by an eBay seller and that the eBay sale was "Undefined" **SEE EX.#36**, Plaintiff was diligent to request proof of a sales receipt.

Unlike the Defendants, Plaintiff has produced over one thousand documents of evidence. Plaintiff produced my signature while Defendants defiantly deny I am not the artist.

C Plaintiff's June 29, 2023 Reply to WorthPoint's Response.

Plaintiff submits as proof my SENT email to the Pro Se office on April 17, 2023 with my Declaration with Exhibits listed and annexed in EXHIBIT #1. Plaintiff's notes my Declaration with Exhibits are recorded in ECF 447 with five envelopes of attachments. The SDNY Pro Se Office informs any caller it takes anywhere between 24 to 48 hours to file submissions onto the docket. Plaintiff was diligent in checking with the Pro Se office to find out why my April 17, 2022 filing was not on the docket and complete. Plaintiff was initially told Plaintiff had to wait at least 48 hours, at which time I checked again . Plaintiff's Declaration with all exhibits are in ECF 447. On April 17, 2023 Plaintiff filed over 17 documents. **EXHIBIT #1 Plaintiff's email proof of sent Declaration with Exhibits.**

Respectfully Submitted by

Annamarie Trombetta
175 East 96th Street (12 R)
New York. New York 10128
Pro Se Plaintiff

——Electronic Signature ——

/s/ Annamarie Trombetta June 29, 2023

Annamarie Trombetta Pro Se Plaintiff

In The United States District Court For Southern District of New York

Annamarie Trombetta,
Plaintiff, Civil Action No. 18-cv-0993-RA-HBP
vs.
Norb Novocin, Marie Novocin,
Estate Auctions Inc.
and
WorthPoint Corporation
Defendants

CERTIFICATE OF SERVICE

I certify that on June 29, 2023, a true and correct copy of the foregoing document was served upon the parties of record via the Court's CM/ECF system and directly to all attorneys listed below to include Adam Bialek, Jana Farmer and John Cahill attorneys for WorthPoint Corporation and attorney Anderson Duff representing Marie and Norb Novocin and Estate Auctions Inc.

Dated: New York, New York June 29 2023

Respectfully Submitted by

Annamarie Trombetta
175 East 96th Street (12 R)
New York. New York 10128

——Electronic Signature ——

/s/ Annamarie Trombetta June 29, 2023

Pro Se Plaintiff

Annamarie Trombetta Pro Se Plaintiff

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